



**STRATEGY  
RESEARCH  
PROJECT**

The views expressed in this paper are those of the author and do not necessarily reflect the views of the Department of Defense or any of its agencies. This document may not be released for open publication until it has been cleared by the appropriate military service or government agency.

**ILLEGAL IMMIGRATION:  
IS THE USE OF MILITARY FORCE IN POLICING THE UNITED  
STATES' BORDER WITH MEXICO A VIABLE OPTION?**

**BY**

**COLONEL DAVID LOPEZ  
United States Army**

**DISTRIBUTION STATEMENT A:  
Approved for Public Release.  
Distribution is Unlimited.**

**USAWC CLASS OF 2001**

**U.S. ARMY WAR COLLEGE, CARLISLE BARRACKS, PA 17013-5050**



**20010430 132**

USAWC STRATEGY RESEARCH PROJECT

**Illegal Immigration: Is the use of Military Force in Policing the United States' Border with Mexico a Viable Option?**

by

Colonel David Lopez  
United States Army

COL Joseph P. Robinson  
Project Advisor

The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

**DISTRIBUTION STATEMENT A:**  
Approved for public release.  
Distribution is unlimited.

U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013



## ABSTRACT

AUTHOR: David Lopez

TITLE: Illegal Immigration: Is the use of Military Force in Policing the United States' Border with Mexico a Viable Option?

FORMAT: Strategy Research Project

DATE: 10 April 2001

PAGES: 33

CLASSIFICATION: Unclassified

Illegal immigration across the United States' borders, in particular the Southern Border with Mexico, has been a continual problem confronting our local, state and national political decision makers. Over the years, numerous attempts at quelling this illegal immigration have been attempted. Attempts to eliminate this problem ranged from open borders, limited use of military force, economic development efforts, diplomatic efforts, and the eventual creation of a U.S. Border Patrol responsible for policing U.S. borders. Progress has not been easy and today, the United States finds itself in a continual battle against illegal immigration. Is illegal immigration of such importance to our national security that military force be used to combat this problem? This paper examines whether or not the use of military force on the U.S.-Mexico Border is a viable option to combat illegal immigration. This paper will propose that illegal immigration is a national security issue and there may be instances where the application of U.S. military force, whether it be active, reserve, or national guard to combat illegal immigration is appropriate. A review of past political, diplomatic, economic, and military tools previously proposed and implemented to address illegal immigration on the border will be provided.



## TABLE OF CONTENTS

ABSTRACT .....	III
PREFACE.....	VII
LIST OF ILLUSTRATIONS.....	IX
LIST OF TABLES.....	XI
ILLEGAL IMMIGRATION: IS THE USE OF MILITARY FORCE IN POLICING THE UNITED STATES' BORDER WITH MEXICO A VIABLE OPTION?.....	1
ENDNOTES .....	15
BIBLIOGRAPHY .....	19



## PREFACE

This paper is the culmination of a lifelong interest in the issue of illegal immigration across the United States- Mexico border. I grew up in the Southwest border town of Yuma, Arizona and am the son of a "Green Carder" who legally immigrated across the U.S.-Mexico border to the United States and became a U.S. citizen. As an undergraduate at West Point I wrote on this issue and stated that illegal immigration across the U.S.-Mexico border had an impact on international relations between the two countries and that diplomatic/political and or military steps had to be taken to stem the flow of illegal immigrants. Furthermore, I argued that it was more than a regional problem and national efforts had to be undertaken to resolve the issue. However, the instructor did not agree. He stated illegal immigration was not and would not become a large enough problem to gain national prominence much less international attention. Today, illegal immigration is a worldwide problem that many countries are trying to come to grips with; the United States is no exception. Through these pages I hope to demonstrate that I have matured in my thoughts and approach to the problem of illegal immigration.



## LIST OF ILLUSTRATIONS

FIGURE 1, BORDER SECTORS.....	6
-------------------------------	---



## LIST OF TABLES

TABLE 1, ILLEGAL APPREHENSIONS.....	3
TABLE 2, PERIODS OF POLICY TRANSITION .....	4



## **ILLEGAL IMMIGRATION: IS THE USE OF MILITARY FORCE IN POLICING THE UNITED STATES' BORDER WITH MEXICO A VIABLE OPTION?**

The first right of a sovereign nation is the right to control its borders.

— Richard Estrada

Is the United States, a nation founded on the blood, sweat, and tears of immigrants, one of the nations that today finds itself on the brink of a national security crisis against illegal immigration? If so, what political, economic, and or military tools should we apply to alleviate this national security issue?

At issue, is the fundamental right of national sovereignty. What options has the United States used in the past to combat illegal immigration and what does the United States have today in its vast arsenal of capabilities to deter this onslaught of illegal immigration? Should it approach this from a purely political position? On the other hand, should it avail itself of its economic and military options to reach a viable solution on illegal immigration? After all, the United States is the only super power in the world.

The United States is a country of immigrants. Since its birth as a free nation, the United States has opened its arms inviting immigrants to its shores. The Statue Of Liberty is dedicated to the idea of immigrants coming to America. However, from the late 1800s to the present, the United States has found itself in some type of struggle against illegal immigration. In particular, this battle has seen the U.S.-Mexico border as its front line.<sup>1</sup>

It is the intent of this paper to focus on the issue of illegal immigration as it pertains to the border between the United States and Mexico. Is illegal immigration of such importance to our national security that military force be used to combat the problem? This paper proposes that illegal immigration is a national security issue and there may be instances where the application of military force, whether it be active duty forces or national guard forces to combat illegal immigration is appropriate. I will provide background information and analysis on what political, diplomatic, economic, and military tools have been previously proposed and implemented to address the issue of illegal immigration. Furthermore, I will discuss whether or not the United States should assign the mission of deterring illegal immigration to a unit of the Active component; or, as a minimum, assign the mission to a Reserve or National Guard unit. I will also look into the possibility that there may be a viable military option that national security decision makers should plan for in the case of a national security crisis that involves illegal immigration across the U.S.- Mexico border.

In a recent Parameters article, Paul J. Smith discusses five broad categories of global challenges that are posing the greatest threats to human security, national governance, and international stability. Among these are transnational crime, transnational terrorism, international illegal migration flows, disease and international pandemics, and global environmental degradation and climate change<sup>2</sup>. There is no doubt that, on a daily basis, the United States confronts all five of the global challenges mentioned. As a matter of fact, all are mentioned as possible threats to the United States in President Clinton's 1999 National Security Strategy document that states:

Principle security concerns in the hemisphere are transnational in nature, such as drug trafficking, organized crime, money laundering, illegal immigration, fire-arms trafficking, and terrorism. All these threats, especially drug trafficking, produce adverse effects that undermine the sovereignty, democracy, and national security of nations in the hemisphere."<sup>3</sup>

During the late 1800s, the United States encountered the beginning of illegal immigration problems across the U.S.-Mexico border. As a result, the Commissioner General of Immigration assigned a small group of mounted guards to patrol the Southern border of the United States.<sup>4</sup> This was not against Mexicans trying to enter illegally, but in response to Chinese immigrants prohibited from entering the U.S. under the Chinese Exclusion Act of 1882. The patrolling was also intended to preclude Europeans unable to pass through Ellis Island.<sup>5</sup> The fewer than 75 men assigned were unable to cope with the problem. "It was estimated that for every 100 aliens apprehended, 1000 escaped."<sup>6</sup> By 1914, a separate and distinct Border Guard unit was formed with the Chinese and Europeans still the primary focus of the guards<sup>7</sup>.

At the same time the Border Guard's were rounding up illegal Chinese and Europeans illegal crossings by Mexicans, as a result of the Mexican Revolution (1910 to around 1919), became an area of concern across the U.S.-Mexico border. The revolution acted as a catalyst, propelling a large number of Mexicans to the north. For the most part, this was legal migration as there were few restrictions if any on Mexicans or Canadians who shared contiguous borders with the United States migrating to the United States at that time.<sup>8</sup>

It was not until the Immigration Act of 1917 that Mexicans and Canadians were subjected to the eight-dollar per head tax and the reading test other immigrants had to undergo.<sup>9</sup> The result of this increased regulation of migration was an increase in illegal border crossings. This legislation and the follow-on Immigration Quota Acts of 1921 and 1924 clearly demonstrated that there was a need for effective border control. In addition, an irritant to increased immigration laws began to manifest itself. The more constraints the U.S. put on immigration, the more illegal immigration there was to be dealt with. Hence, Congress passed an act on 28

May 1924 that created the U.S. Border Patrol (USBP).<sup>10</sup> This modest beginning was to grow over the years to the point that, "Today the Border Patrol is the largest uniformed federal law enforcement organization, second only to the U.S. military-with more than 8,000 of the best trained, best-equipped agents anywhere."<sup>11</sup> Yet, one can see illegal immigration across the U.S.-Mexico border is still a problem that requires a solution. This statement of fact is not to put the blame for the increased numbers of illegal immigrants on the U.S. Border Patrol or its chain-of-command, which runs from the Immigration and Naturalization Service (INS) to the Department of Justice (DOJ). It is, however, intended to show that the United States must admit the problem of illegal immigration persists and solutions must be found. In 1991, Daniel James stated in his book, Illegal Immigration, An Unfolding Crisis, that, "The illegal entry of human beings into the United States overwhelmingly from Mexico, is an issue that is potentially as explosive as the illegal traffic in narcotics. It is a persistent irritant that could severely damage relations between the two neighbors."<sup>12</sup> A quick review of the following chart will demonstrate the continuing problem.

YEAR	APPREHENSIONS	YEAR	APPREHENSIONS
1965	110,371	1983	1,251,351
1966	138,520	1984	1,246,981
1967	161,608	1985	1,348,749
1968	212,057	1986	1,767,400
1969	283,557	1987	1,190,488
1970	345,353	1988	954,243
1972	505,949	1989	1,008,148
1973	655,968	1990	1,169,939
1974	788,145	1992	1,199,560
1975	756,819	1993	1,263,490
1976	866,433	1994	1,031,668
1977	1,033,427	1995	1,324,202
1978	1,047,687	1996	1,549,876
1979	1,069,400	1997	1,411,852
1980	910,361	1998	1,555,776
1981	975,780	1999	1,225,739 (THRU 06/99)
1982	970,246	2000	1,610,237

TABLE 1 ILLEGAL APPREHENSIONS

The early years of the USBPs efforts to curb illegal immigration are demonstrative of what I refer to as the *cyclical nature* of the illegal immigration problem and the U.S. Government's approach to deterring/combating illegal immigration. By cyclical I mean the U.S. has historically reacted to illegal immigration across the U.S.-Mexico border via a *laissez faire* attitude (not strictly enforcing existing laws) or, by overreacting to the issue.

Most experts on the illegal immigration issue state that economic differences between the U.S. and Mexico are the single most important factor causing this cyclical response.<sup>13</sup> If we look at the period in U.S.-Mexico history from 1940-2000 we can readily see that the U.S. and Mexico have put forth bilateral efforts in trying to control their borders against illegal immigration. The following layout of policy transitions shows that the years since WWII have been demonstrative of the cyclical nature mentioned above.

1942-1964	Bilateral Cooperation between Mexico and the United States Mexico-U.S. Bracero Programs Immigration Nationality Act (INA) of 1952
1965-1981	Conflict between Mexico and the United States: Mexico's No-Policy Policy Begins 1965 Amendments to INA implemented 1976 Amendments to INA implemented Limits now set on immigration from Western Hemisphere nations Extra visas added to accommodate the <i>Silva v. Levi</i> decision
1982-1986	Conflict between Mexico and the United States: The Divide Continues
1982-1986	Convergence and Agreement: New Bilateral Relations Immigration Reform and Control Act passed in 1986 Illegal Immigration Reform and Immigration Responsibility Act passed in 1996
1987-1996	Convergence and Agreement: New Bilateral Relations Immigration Reform and Control Act passed in 1986 Illegal Immigration Reform and Immigration Responsibility Act passed in 1996

TABLE 2 PERIODS OF POLICY TRANSITION

Let us define need as being "cheap economical labor for the U.S. market." Thus, during periods of need, the U.S. and Mexico have collaborated in establishing policies and programs to facilitate the movement of thousands of workers across the border. When workers were needed laws were ignored, relaxed, or new ones implemented to facilitate the need. However, at the same time legal immigration for some workers was realized, a secondary effect of increased illegal immigration across the U.S.-Mexico border was generated. The USBP was unable to handle this secondary effect. A review of the Table 1 apprehension numbers demonstrates that

the constant rise in the illegal immigration problem could, "...become a national issue which will ultimately require constant attention of the highest levels of the United States Government."<sup>14</sup>

As mentioned earlier, the USBP falls under the jurisdiction of the Immigration and Naturalization Service (INS) and hence the Department of Justice (DOJ). In 1994, Attorney General Janet Reno and INS Commissioner Doris Meissner announced the nation's latest multi-year strategy to strengthen enforcement of the nation's immigration laws and to disrupt traditional illegal immigration corridors along the nation's Southwest border. The program dubbed the, "Southwest Border Strategy", is a personnel, equipment, and dollar driven effort to help stem the tide of illegal immigration. Its strategy is one of "prevention through deterrence"<sup>15</sup>. One can rightfully argue that this strategy is taken from our National Security Strategy and National Military Strategy that also address deterring our nation's enemies.<sup>16</sup>

Since implementation of the Southwest Border Strategy, the INS has reported the strategy as being successful. Statistics show that illegal immigration has been dropping at the major urban crossing areas such as San Diego, California, El Paso, Texas and McAllen, Texas. "For example, as recently as FY93, San Diego was the busiest corridor for illegal immigration, accounting for nearly 45% of all apprehensions nationwide. In FY99, [San Diego] apprehensions reached an all-time low of 16%."<sup>17</sup> All these cities were areas targeted by the Border Strategy. A review of all the USBP measures of effectiveness point to success. Apprehensions of illegal immigrants are down, crime is down, and the cost for an illegal to hire a "coyote" or guide to help him cross the border has gone from \$250.00 to over \$1,500 dollars.<sup>18</sup> However, while the urban numbers are all down, the apprehensions in the desolate desert areas of the Southwest border are up dramatically. "The flow has shifted towards the barren hills of the Sonoran Desert. In the USBPs Tucson sector, 520K immigrants have been caught in the past nine months, up from 387K for the whole of the 1998 fiscal year."<sup>19</sup> This surge into the unforgiving Southwest border deserts is generating the need for even more USBP agents and equipment to adequately police the border.<sup>20</sup>

Today, the USBP has approximately 7,400 of its 8,000 agents situated in nine sectors across the Southwest border. This is a direct result of a doubling of the USBP budget in the four years from 1993-1997, and an increase from \$2 billion in 1995 to \$4 billion in 1999. For FY 2001, INS is provided \$4.6 billion dollars.<sup>21</sup> Yet, more and more illegals are trying to come to the United States. It is estimated that the USBP would need 16,000 agents to fully deter unauthorized immigration and properly enforce the U.S. immigration laws across the U.S.-Mexico border.<sup>22</sup>

As we have seen by the numbers in table one, illegal immigration continues to grow in spite of increased enforcement efforts undertaken by the DOJ and INS. More recent reports show apprehension of illegal immigrants at 1.5 million for 1998, and almost 1.6 million in 1999.<sup>23</sup> We can also see there has been a vast amount of legislation on immigration issues passed over the years and yet, illegal immigration continues its cyclical nature of rising and falling with the economy and is still, "...a major political issue in the late 20th Century, [which] is likely to emerge as one of the thorniest political and social challenges of the 21st."<sup>24</sup>

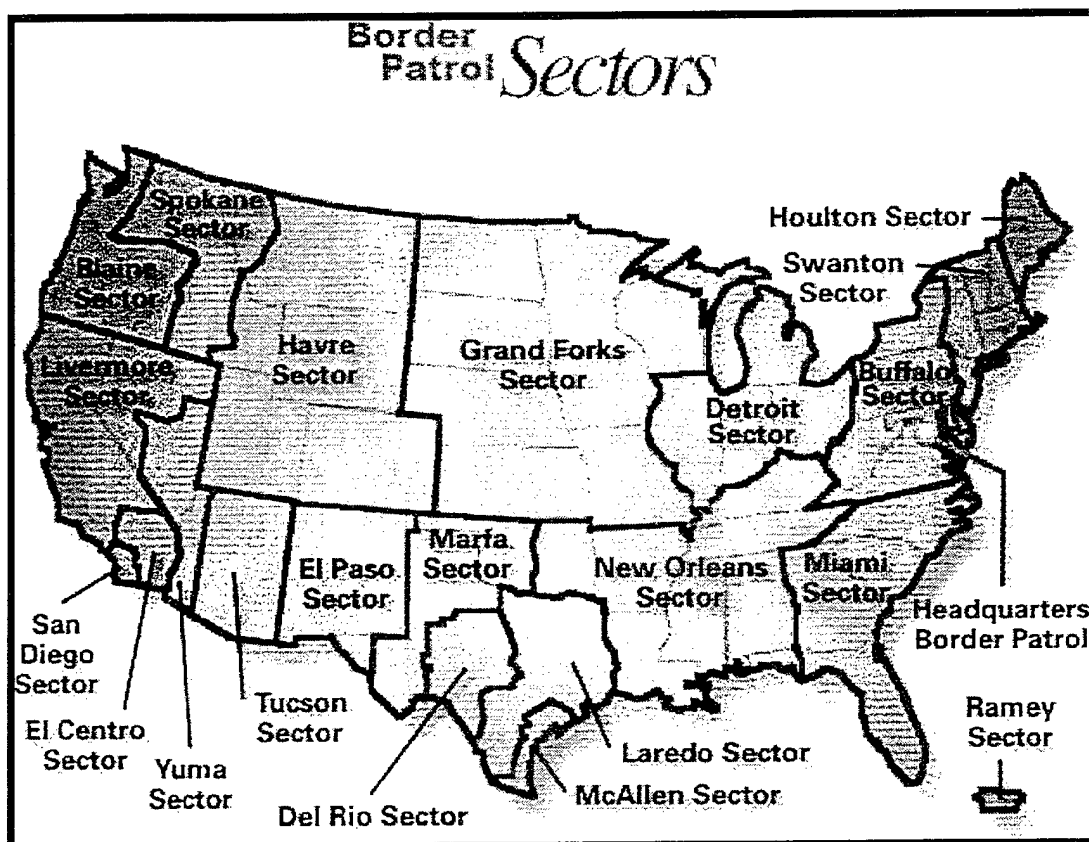


FIGURE 1 BORDER SECTORS

What more can the United States and Mexico do to stem or level out the cyclical nature of illegal immigration discussed earlier? One possible solution is improving the economy of Mexico so there won't be a need or desire for its citizens to migrate to the north in search of better paying jobs. One such effort undertaken in 1994 to bridge the economic gap was the North American Free Trade Agreement (NAFTA). At the time of its signing into law NAFTA was heralded by some as the savior of a weakening economy. It would open up new avenues of business development, jobs, and prosperity for all by leveling the playing field for those who

participated. Reductions in Trade tariffs, laws and environmental restrictions enabled Mexico to better compete with its rich neighbor to the north.<sup>25</sup> In addition, Mexico initiated major efforts to improve its own economic position.

Reforms included privatizing many state-owned enterprises, removing trade barriers, removing restrictions on foreign investment, and reducing inflation and government spending. In 1994, Mexico entered into NAFTA. NAFTA further opened Mexico to foreign investments and bolstered foreign investor confidence in Mexico because investors perceived that with NAFTA, Mexico's long term prospects for stable economic development were likely to improve.<sup>26</sup>

NAFTA's initial success at raising Mexico's weak economy was tempered by the reality that reversing a weak Mexican economy would not occur overnight. Another reality was the number of illegal immigrants apprehended at the border continued to rise (refer back to previous discussion on the number of illegal immigrants apprehended at the border). Plus, while NAFTA was being implemented, Mexico found herself in the midst of high unemployment and battling a financial crisis.<sup>27</sup> However, one must remember NAFTA has only been in existence for six years and, "...many analysts foresee the possibility that long term economic development, fueled by NAFTA, GATT, and other trade arrangements, will eventually (within 20 years) lead to reduced pressure to migrate to the United States."<sup>28</sup> In addition, Mexico's new President Fox is aggressively pursuing additional economic partners worldwide to improve Mexico's economic position.<sup>29</sup>

In his Sep/Oct 2000 Foreign Affairs article, "Out-of-Control Immigration," James Goldsborough discusses NAFTA'S and the U.S. Congress' relationship. Another aspect of NAFTA's lack of success in reducing illegal immigration is the fault of a disinterested Congress and Labor Unions.<sup>30</sup> Congress usually pays attention to the loudest interest group when formulating its agenda. Lately, there has been no hue and cry for curtailing illegal immigration. Why? There is a great need for cheap labor in low level and low skilled entry jobs in the United States.<sup>31</sup> The very politicians who were screaming for sweeping immigration reform in the late 1980s are now quiet on the matter. Their constituents need cheap labor. In addition, in a case of major policy turnaround, the AFL-CIO announced that it would stop opposing illegal immigration and start organizing illegal immigrants into various unions.<sup>32</sup>

In addition to political and economic ways and means to deter illegal immigration an emerging technology program that may assist is Biometrics. Biometrics is used to imbed personal identification cards with ones photo, fingerprint or retinal scan for positive identification. This technology would be ideal in establishing a national identity card. Mexico and other countries are currently initiating over 40 million voter registration cards that will also become

national identity cards. These cards will track Mexicans who travel outside of their country. And, it is hoped that it will assist in curtailing illegal immigration. However, the United States' disdain for a national identity card bodes poorly for this technology being used in the United States to help curtail illegal immigration.<sup>33</sup>

So far, we have discussed the law enforcement efforts of the USBP, legislative efforts through the various immigration acts, and U.S. Policy initiatives over the years. In addition, we discussed the economic efforts of the NAFTA, coupled with Mexico's internal efforts to bolster her economy. There is also the emerging field of biometrics that could assist in efforts to curb illegal immigration. Jeffrey Pasel noted in his study entitled, Illegal Immigration: How Big a Problem, that:

Illegal immigration to the United States remains a serious problem. Its continuation despite legislative, administrative, and enforcement initiatives over the last two decades represents a clear failure of the national sovereignty and economic security objectives of United States immigration policy.<sup>34</sup>

Perhaps it is time to consider the addition of the United States military to the list of tools at the government's disposal to stem illegal immigration. It would not be the first time U.S. troops patrolled the U.S.-Mexico border.

The United States military has a long history of being present for duty on the U.S.-Mexico border. Sporadic trouble on the U.S.-Mexico border prompted the need for a military presence from the 1840s until the early 1920s. "The trouble began in 1848 following the signing of the Treaty of Guadalupe-Hidalgo and continued with varying intensity through 1920."<sup>35</sup> In 1882, a U.S.-Mexico treaty gave U.S. troops the privilege to cross the international border in pursuit of desperados. In 1916, 110,000 U.S. troops, under the command of General Pershing, protected the U.S. border against possible incursions by Mexican revolutionaries. Established in 1919, the U.S. Army Border Air Patrol Squadron conducted armed aerial reconnaissance in support of the cavalry and infantry across the 2000 miles of U.S.-Mexico border before deactivating after two years. During its long history of border presence, the Army did not patrol for illegal immigrants. The mission was to defend our international border against armed fighting men, intent on doing possible damage to the United States.<sup>36</sup>

After the draw down following WWI and throughout the late 20s and 40s, the U.S. military presence on the border was negligible. The force, at an all time manning low, was small and preoccupied with depression activities such as the Civilian Conservation Corps and later, preparations for war. The war years saw liberal immigration laws enacted to allow workers to come north, and tacit approval of illegal immigrants crossing the border to augment missing

manpower resulting from the war effort. Once the war ended, tacit approval of illegal immigration was about to change.

"Before 1944, illegal traffic on the Mexican border was never overwhelming but in the past seven years the wetback (illegal alien trying to cross the U.S.-Mexico border) traffic has reached entirely new levels. In its newly achieved proportions it is virtually an invasion."<sup>37</sup> This statement was to be the precursor for President Eisenhower sending troops to the U.S.-Mexico border to assist the USBP in stemming illegal immigration. In 1954, a paramilitary operation dubbed "Operation Wetback" saw the U.S. military and USBP round up and deport over one million aliens. After its completion, the USBP stated that they had secured the border.<sup>38</sup> It would not take long to disprove this statement. Although this effort was quite prominent, I found no record or indications that there was any uproar over possible violations of the *Posse Comitatus Act of 1878*. This point is significant because, since that time, efforts to use military force within U.S. borders have been consistently denied or limited in scope because of the *Posse Comitatus Act*. The Act states that,

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both<sup>39</sup>

Since the 1954 effort in assisting with illegal immigration, the U.S. military has augmented the USBP with ground sensors, monitors, and other intelligence gathering equipment in support of their monitoring and detection efforts along the border. All the while making sure there were no violations of the *Posse Comitatus Act*.<sup>40</sup>

In the early 1980s, the formation of JTF-6 saw the U.S. military join United States law enforcement agencies in battling drugs along the U.S.-Mexico border. The U.S. military provides monitoring and detection support to the agencies that make the arrests. These efforts have mostly been successful. However, in May of 1997 a U.S. Marine shot and killed a young U.S. Mexican boy who was out tending his flock.<sup>41</sup> This incident once again raised the issue of the *Posse Comitatus Act*, and provided fuel for those who feel the U.S. military has no place on the border. With the exception of this shooting incident the military has acted in a highly professional manner and respected the sovereignty of Mexico. Furthermore, no one in authority has ever been charged with a *Posse Comitatus* violation.<sup>42</sup>

In addition to these border efforts, the U.S. military has distinguished itself in more recent times through its assistance in mass immigration events such as the Mariel Boatlift from Cuba.<sup>43</sup> This assistance in mass immigration emergencies is part of the duties and responsibilities laid

out in the Domestic Emergencies Handbook, FORSCOM Military Assistance to Civil Authorities Manual. Responsibilities are limited to assisting in the housing, feeding, and caring for immigrants, once they are in CONUS.<sup>44</sup> In addition to mass immigration efforts the military's Active and Reserve components have served well in civil disturbance situations. These efforts have successfully shown that the military can assist with patrolling the borders of the United States and abide by the tenants of the *Posse Comitatus Act*. We have seen that the military can do an excellent job in assisting in patrolling of the border. So, why not have the full time mission of assisting the lead federal agency in patrolling the U.S.-Mexico border?

As we know to well, today's global environment is full of asymmetric challenges of which global mass migration is one. Should patrolling the border to deter illegal immigration and the associated threat of terrorism be a military mission? If implemented, this effort would greatly enhance the capabilities of the USBP in deterring illegal immigration. As we have already noted, there are 7,400 of 8,000 USBP agents on the U.S.-Mexico border and they still cannot stem the flow of illegal immigration. It is estimated that a total of 16,000 U.S. Border Patrolmen would be needed to accomplish the mission of controlling the border. Is the U.S. Government willing to expend the cost of doubling its USBP agents? Perhaps a more fiscally prudent option is to task the U.S. military to assist in border reconnaissance and surveillance.

The draft Homeland Security (HLS) Army Strategic Plan addresses the Army's commitment to HLS.

Support Homeland Security is a commitment that the Army recognizes. While not a primary mission, it is and will continue to be, a significant commitment requiring resources and planning. In support of civil authorities, the Army will be prepared to provide forces to prevent and mitigate attacks against the American Homeland, its people, facilities, resources, and infrastructure.<sup>45</sup>

In addition, the HLS mission statement clearly articulates, "Deterring and defending against all threats to U.S. sovereignty,"<sup>46</sup> as one of its missions. HLS is not new. Roots of the Army's responsibility to HLS are imbedded in the Constitution of the United States<sup>47</sup>.

There is no doubt that the military has a civil support mission in today's full spectrum of challenges. We have already discussed support to mass immigration events. USCINCOMs (hereinafter referred to as USJFCOM) Functional Plan 2503-97 (U) discusses the procedures and composition a task force would take in support of a mass immigration event. This document specifically takes into consideration the unique operational environment of the Southwest border.

A less likely but more complex mass immigration emergency is the flow of immigrants into the U.S. through entry points along the U.S. southwest border

(Texas, New Mexico, Arizona, and California). This is a complex operation due to the length of the southwest border, numerous entry points, vast resources and coordination required among federal agencies to stop the mass immigration.<sup>48</sup>

Furthermore, Presidential Executive Order 12656 stipulates that the DOD responsibilities are to Develop and maintain national security emergency plans with the Attorney General by which military assistance to civilian law enforcement authorities may be requested and provided.<sup>49</sup>

Rather than react to a mass immigration event, perhaps a more proactive stance would be the establishment of a contingency plan and JTF whose mission would be border surveillance in support of the USBP. Furthermore, assigning the mission of border surveillance in support of the USBP as a training mission to one of our emerging Interim Brigade Combat Teams (IBCT) reconnaissance platoons seems to be a viable option.

USJFCOM FUNCPLAN 2503-97 (U) is an ideal document on which to base the plan to support the USBP. It derives from EO 12656 and clearly lays out the plan to follow in support of mass immigration events that could be modified to support a border surveillance mission. It includes a chain of command that with minor modification could be responsible for the Command and Control (C2) of this effort. It also clearly delineates legal considerations that guide the commitment of U.S. forces.<sup>50</sup>

Furthermore, 2503-97 clearly delineates the specific mission we would task the IBCT units to perform.

(7) (U) DoD will not undertake any law enforcement activities relating to mass immigration emergencies, except for the following:

(U) **Detection and monitoring support to the USCG and other federal agencies for air/maritime/land interception of illegal migrants.** [Emphasis added]

(U) Use of US Navy vessels and US Marine Corps personnel to assist the USCG and other federal agencies in vessel interdiction.<sup>51</sup>

A separate functional plan or annex to 2503-97 could be drawn up that lays out the mission of detection and monitoring that would support the Department of Justice as lead agency in the USBPs illegal immigration efforts. Utilizing JTF 350s command structure (as laid out in 2503-97) for mass immigration events as a model, a separate task force could be established under the JTF. This task force could be named TF-351A. Its mission, border reconnaissance and surveillance.

Elements of TF-351A could be assigned to each of the nine Southwest border sectors (refer to earlier map). The number of elements assigned would depend on the size of the geographic area of responsibility in each sector and the support elements from the Army

Reserve or National Guard that could be assigned the support mission. Further refinements to the mission statement could be assignment to only remote areas of the border, which the USBP deem high priority areas for apprehension of illegal immigrants. During operations, the IBCT elements could be OPCON to JTF-6. This would allow the IBCT teams to utilize already existing Command & Control systems for reporting to the USBP.

It would be difficult to argue this is not a constructive and positive mission for the IBCT elements. Draft FM7-4 states, "the reconnaissance platoon is organized, equipped, and trained to conduct reconnaissance and surveillance."<sup>52</sup> Plus, this type of training environment of operating separately from its higher headquarters is right out of the FM7-4. "The reconnaissance platoon normally maneuvers as individual reconnaissance sections or teams, either mounted or dismounted, under the direction and control of the platoon leader."<sup>53</sup> The assignment to key isolated areas of the border would allow for great training in the recon platoon missions of long-range surveillance of key areas, route recons, and zone recons. These are all valuable training opportunities that could be added to garrison training for our recon teams.

Rotation of recon units would be viable under the concept of sector affiliation. As stated earlier, units would be assigned to one of the nine border sectors. Therefore, each higher headquarters could rotate recon platoons through their sector of responsibility; thus, providing training opportunities in reconnaissance and surveillance TTPs for many of its soldiers.

It would also be conducive to National Guard units and their yearly training day limitations. During pre-deployment weekends, drills could be used to conduct map-ex' of the assigned sector as well as preventive maintenance checks and services (PMCS) of equipment. The capstone-training event would then be the two-week deployment to the sector of operations. National Guard units could conduct quarterly training cycles where they would assume responsibility for their sector once a quarter.

This is a doable mission for our U.S. forces. However, those opposing such use of military force within our territorial borders would raise several key objections; the blurring of the lines between military and civilian roles, support to federal agencies undermines readiness, and the military is the wrong tool for this mission.<sup>54</sup> Granted, law enforcement missions within the United States' borders are not supposed to be performed by Active Duty U.S. forces. However, we have been performing them as part of our peacekeeping efforts under Military Operations Other Than War (MOOTW) for quite some time. This type of mission, within our own U.S. borders would give us greater credibility with our allies when deploying our forces out of country to conduct similar missions. It does not blur the line between military and civilian roles. U.S.

forces would only operate under the operational control of the lead federal agency they are tasked to support. They would only conduct reconnaissance and surveillance missions and report to the lead law enforcement agencies. Lastly, it does not undermine military readiness. Why? The IBCT recon platoons would be doing what they do best, reconnaissance and surveillance, and then report what they have seen higher up the chain.

Furthermore, another key aspect of training for MOOTW is Rules of Engagement (ROE). Stringent ROE would limit U.S.-Mexico border surveillance missions. This would provide another valuable training opportunity for our forces.

Funding for this type of mission would probably be one of the most critical parameters. If border surveillance were defined as a training mission, resources, to include maintenance, fuel and operating hours would be easier to come by. If it were identified as an out of hide mission units would be hard pressed to find the dollars.

Lastly, and most importantly, the impact on an already over-deployed military would be hard to rationalize. Our current operations tempo is difficult to sustain now with the 450,000 plus soldiers we now have on active duty. Adding another controversial mission with potentially no end state may not set well with the varied constituencies of the U.S. military.

What is most likely to succeed in curbing illegal immigration across the U.S.-Mexico border?

Illegal immigration, with its up and down cyclical nature has been a thorn to U.S. Government policy makers since the early 1800s. Military involvement on the U.S.-Mexico border has been a constant factor in our nation's history since the 1840s. U.S. efforts to control or contain illegal immigration have been around just as long. The initiation of immigration laws has not been the solution to our illegal immigration problems. On the contrary, every immigration law implemented by the United States has given rise to greater illegal immigration.

The establishment of a USBP has not been the solution. Many see the USBP as the proverbial band-aid fix to a huge problem. Economic programs, such as NAFTA, and the infusion of dollars to assist economic development in Mexico and other countries have not solved the problem of illegal immigration across the U.S.-Mexico border. In addition, biometric identity cards-being implemented in many Central and South American countries could assist in the problem of illegal immigration. However, U.S. reluctance to the implementation of a National Identity Card seems too strong to overcome.

Has applying a mix of all three of the above, the USBP, laws, and economic programs stopped the flow? No! The fact of the matter is no one program or agency can stop illegal immigration across the U.S.-Mexico border. There have been many honorable attempts by our

lawmakers and politicians to try and achieve a workable solution to the problem. However, all have fallen short. Can the application of additional military force be the tool to turn the tide?

Although a viable and doable application of military force to the problem has been offered, I do not believe it is the "silver bullet" to put an end to illegal immigration across the U.S.-Mexico border. The military is too small and its missions too great to warrant adding patrolling of the U.S.-Mexico border to the military's plate. Furthermore, the possibility of getting the Executive, Congressional and Judicial Branches of government together on the issue of how to employ the U.S. military to deter illegal immigration is small. Plus, the United States' long-standing fear of using military force inside our borders, otherwise known as The *Posse Comitatus Act* would be hard to overcome.

Economic stability and economic improvement throughout the world has the best chance of succeeding. Economic programs such as NAFTA and other similar economic efforts throughout the world must give promise to a better tomorrow.

To this end, recommend that the U.S. and Mexico continue to advance economic improvement programs that will improve the economic prospects of Mexico and her people. Hopefully, improved economic stability will convince people to stay at home and not risk coming to the United States via the U.S.-Mexico border.

In addition, recommend the United States Congress continue to fund the INS and the USBP to the maximum extent possible to give INS programs optimal chances for success in dealing with illegal immigration. It is also recommended that U.S. legislators enforce existing immigration laws and get tough with those who aspire to circumvent those laws.

We must however, be patient and prudent. Patient to give NAFTA and other economic programs time to mature and bear fruit. Prudent by having as great a combination of USBP and legislative tools handy to combat the next influx of illegal immigration. And, wise enough not to jump into the unforgiving abyss of applying military force to the wrong problem at the wrong time. It is far better for the United States to try and shape the international environment through diplomacy, economic cooperation, and international assistance.

History has shown the United States has always had some form of illegal immigration problem. Once rules are established, someone will try to circumvent them. The vicious cyclical nature of illegal immigration continues.

Word Count = 5774

## ENDNOTES

<sup>1</sup> Department of Justice. "Fact Sheet: Early Years of the Border Patrol." 5 May 1999; available from < <http://www.ins.usdoj.gov.html> > Internet; accessed 23 Dec 2000.

<sup>2</sup> Paul J. Smith, "Transnational Security Threats and State Survival: A Role for The Military?" Parameters 3(Autumn 2000): 80

<sup>3</sup> William J Clinton, A National Security Strategy For A New Century (Washington, D.C.: The White House, December 1999), 39.

<sup>4</sup> Department of Justice. "Fact Sheet: Early Years of the Border Patrol." 5 May 1999; accessed 23 Dec 2000.

<sup>5</sup> Ibid., accessed 23 Dec 2000.

<sup>6</sup> Ibid., accessed 23 Dec 2000.

<sup>7</sup> Ibid., accessed 23 Dec 2000.

<sup>8</sup> Ibid., accessed 23 Dec 2000.

<sup>9</sup> Ibid., accessed 23 Dec 2000.

<sup>10</sup> Ibid., accessed 23 Dec 2000.

<sup>11</sup> Ibid., accessed 23 Dec 2000.

<sup>12</sup> Daniel James, Illegal Immigration An Unfolding Crisis (Lanham: University Press of America, Inc., 1991), 2.

<sup>13</sup> Jeffrey S. Passel, Illegal Immigration: How Big A Problem? Project Report (Washington, D.C.: The Urban Institute, 14 September 1995), 6

<sup>14</sup> James, 116.

<sup>15</sup> U.S. Department of Justice. "The National Border Patrol Strategy." 1 May 1999, available from < <http://www.ins.usdoj.gov/graphics/lawenfor/bpatrol/strategy.html> >. Internet; accessed 23 Dec 2000.

<sup>16</sup> Ibid., accessed 23 Dec 2000.

<sup>17</sup> U.S. Department of Justice. "Overview of U.S. Border Patrol." 1 Jan 2001, available from <<http://www.ins.usdoj.gov/graphics/exec/>>. Internet; accessed 28 Jan 2001.

<sup>18</sup> U.S. Department of Justice. "The National Border Strategy." 1 May 1999. accessed 23 Dec 2000.

<sup>19</sup> "Worth Dying For." The Economist Newspaper LTD., 5 Aug 2000, U.S. Edition, sec: Illegal Immigration, (685 words). Database on-line. Available from Lexis-Nexis, Reed Elsevier.

<sup>20</sup> U.S. Department of Justice. "The National Border Patrol Strategy." 1 May 1999, accessed 23 Dec 2000.

<sup>21</sup> Congressman Jim Kolbe, 5<sup>th</sup> District, Arizona. "Illegal Immigration." Available from <[http://www.house.gov/kolbe/issue\\_immigration.htm/](http://www.house.gov/kolbe/issue_immigration.htm/)> Internet accessed 28 Jan 2001."

<sup>22</sup> U.S. General Accounting Office, Illegal Immigration: Status of Southwest Border Strategy Implementation (Washington, D.C.: U.S. General Accounting Office, May 19 1999), 4.

<sup>23</sup> U.S. General Accounting Office, U.S.-Mexico Border: Issues and Challenges Confronting the United States and Mexico (Washington, D.C.: U.S. General Accounting Office, July 1, 1999), 2.

<sup>24</sup> Smith, 83.

<sup>25</sup> U.S. General Accounting Office, Mexico's Financial Crisis: Origins, Awareness, Assistance, and Initial Efforts to Recover (Washington, D.C.: U.S. General Accounting Office, Feb 23, 1996), 3

<sup>26</sup> Ibid., 3.

<sup>27</sup> Ibid., 7.

<sup>28</sup> Passel, 6.

<sup>29</sup> \_\_\_\_\_, "Fox gives economic plans," (Carlisle (PA)The Sentinel), 26 Jan 2001, sec. A, p.3.

<sup>30</sup> James Goldsborough, "Out-of-Control Immigration," Foreign Affairs (Sep/Oct 2000): 89.

<sup>31</sup> Ibid., 89.

<sup>32</sup> Ibid., 89-90.

<sup>33</sup> "Latin America Does the Identification Card Tango," Responsive Database Services, Inc., 29 Feb 2000, sec. Vol.1, No.8; Pg.38 (2662 words) [database on-line]; available from Lexis-Nexis, Reed Elsevier.

<sup>34</sup> Passel, 1.

<sup>35</sup> Stacy C. Hinkle, Wings Over the Border-The Army Air Service Armed Patrol of the U.S. Mexico Border 1919-1921 (El Paso: Texas Western Press. 1970), 3.

<sup>36</sup> Ibid., 6.

<sup>37</sup> Rodman Griffin, "Illegal Immigration: Does it damage the economy and strain social services?" Congressional Quarterly Researcher 2 (24 April 1992): 367.

<sup>38</sup> Sidney Weintraub and Stanley R. Ross, The Illegal Alien From Mexico, Policy Choices For An Intractable Issue (Austin: University of Texas Press. 1980), 39.

<sup>39</sup> 18 U.S.C. § 1385.

<sup>40</sup> Peter Andreas, Border Games, Policing The U.S.-Mexico Divide (Ithaca: Cornell University Press. 2000), 6.

<sup>41</sup> Smith, 89.

<sup>42</sup> Nolon J. Benson, Jr., The Posse Comitatus Act: Is There A Need For Change? Strategy Research Project (Carlisle Barracks: U.S. Army War College, 7 May 1988), 3.

<sup>43</sup> Smith, 88.

<sup>44</sup> Department of the Army, Domestic Emergencies Handbook. FORSCOM Military Assistance to Civil Authorities, (Fort McPhearson: U.S. Department of the Army, 15 March 1999), 87.

<sup>45</sup> Department of the Army, The Homeland Security (HLS) Army Strategic Plan (Initial distribution Draft), (Washington, D.C.: U.S. Department of the Army, 18 October 2000), 1.

<sup>46</sup> Ibid., 3.

<sup>47</sup> Ibid., 2.

<sup>48</sup> Department of Defense, USCINACOM FUNCPLAN 2503-97 (U), (Norfolk: USCINACOM, 30 November 1997) 4.

<sup>49</sup> Presidential Executive Order. "Assignment of Emergency Preparedness Responsibilities; Executive Order 12656, Revoking Executive orders Nos. 10421 and 11490, as amended." Federal Register 53, no.228 (18 Nov 1988): 47491. Internet.

<sup>50</sup> USCINACOM FUNCPLAN 2503-97 (U), vi.

<sup>51</sup> USCINACOM FUNCPLAN 2503-97 (U), 10.

<sup>52</sup> Department of the Army, The IBCT Infantry Battalion Reconnaissance Platoon (Coordination Draft), FM No. 7-4 (Washington, D.C.: U.S. Department of the Army, Undated) 1-1.

<sup>53</sup> Ibid., 1-9.

<sup>54</sup> Benson, 16.



## BIBLIOGRAPHY

- Andreas, Peter. Border Games, Policing The U.S.-Mexico Divide. Ithacca: Cornell University Press, 2000.
- Benson, Nolon J., JR. The Posse Comitatus Act: Is there A Need For Change? Strategy Research Project. Carlisle Barracks: U.S. Army War College, 1998.
- Clinton, William J., A National Security Strategy For A New Century. Washington, D.C.: The White House, December 1999.
- Diehl, James G. The Cop And the Soldier: An Entangling Alliance? The Posse Comitatus Act And The National Security Strategy of Entanglement And Enlargement. Strategy Research Project. Carlisle Barracks: U.S. Army War College, April 1997.
- Dunn, Douglas. "Immigration and Border Control; Addressing underlying economic causes rather than merely responding to symptoms." 1999. Available from <http://www.wordwiz72.com/migra.html>.> Internet. Accessed 24 Nov 2000.
- "Fox gives economic plans." (Carlisle (PA) Sentinel), 26 Jan 2001, sec. A, p.3.
- Goldsborough, James. "Out-of-Control Immigration." Foreign Affairs (Sep/Oct 2000): 89-101.
- Griffin, Rodman., "Illegal Immigration: Does it damage the economy and strain social services?" Congressional Quarterly Researcher 2, no.16 (24 April 1992): 361-384.
- Haines, David W., and Karen E. Rosenblum., Illegal Immigration In America, A Reference Handbook. Westport: Greenwood Press, 1999.
- Hinkle, Stacy C., Wings Over the Border-The Army Air Service Armed Patrol of the U.S. Mexico Border 1919-1921. El Paso: Texas Western Press, 1970.
- James, Daniel, Illegal Immigration An Unfolding Crisis. Lanham: University Press of America, Inc., 1991.
- \_\_\_\_\_, "Latin America Does the Identification Card Tango." Responsive Database Services, Inc. 29 Feb 2000, sec: Vol. 1, No. 8; Pg. 38(2662 words). Database on-line. Available from Lexis-Nexis, Reed Elsevier.
- Kolbe, Jim, Congressman, 5th District, Arizona. "Illegal Immigration." Available from [http://www.house.gov/kolbe/issue\\_immigration.htm/](http://www.house.gov/kolbe/issue_immigration.htm/). > Internet accessed 28 Jan 2001."
- Lopez, David. A Concept For Employment of Military Forces Along The US-Mexico Border. Research Project. Newport, Rhode Island: Naval War College, 19 June 1992.
- Pappas, Gary A. Our Own Backyard: Mexico and U.S. National Security. Carlisle Barracks: U.S. Army War College, 8 April 1998.
- Passel, Jeffrey S. Illegal Immigration: How Big A Problem? Project Report. Washington, D.C.: The Urban Institute, 14 September 1995.

President, Executive Order. "Assignment of Emergency Preparedness Responsibilities; Executive Order 12656, Revoking Executive orders Nos. 10421 and 11490, as amended." Federal Register 53, no.228 (23 Nov): 47491. Internet.

Shalikashvili, John M. National Military Strategy of The United States of America Shape, Respond, Prepare Now: A Military Strategy for A New Era. Washington, D.C.: The Pentagon, 1997.

Smith, Paul J. "Transnational Security Threats and State Survival: A Role for The Military?" Parameters 3(Autumn 2000): 77-91.

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Immigration and Claims. Northern Border Enforcement Issues: Hearing before the Subcommittee on Immigration and Claims Committee of the Judiciary. 106<sup>th</sup> Cong., 1<sup>st</sup> sess., 14 April 1999.

U.S. Congress. Senate. Senate Judiciary Committee. Subcommittee on Immigration. Border Security Issues: Hearing before the subcommittee on Immigration of the Senate Judiciary Committee. 106<sup>th</sup> Cong., 2d sess., 10 February 2000.

U.S. Department of the Army. The IBCT Infantry Battalion Reconnaissance Platoon(Coordinating Draft). Field Manual 7-4. Washington, D.C.: U.S. Department of the Army. Undated.

U.S. Department of the Army. Domestic Emergencies Handbook. FORSCOM Military Assistance to Civil Authorities. Fort McPhearson: U.S. Department of the Army, 15 March 1999.

U.S. Department of the Army. The Homeland Security (HLS) Army Strategic Plan. (Initial Distribution Draft). Washington, D.C.: U.S. Department of the Army. 18 October 2000.

U.S. Department of the Army. United States Army Posture Statement FY01. A Statement on the Posture of the U.S. Army. Washington, D.C.: U.S. Department of the Army, Feb 2000.

U.S. Department of Defense. USCINACOM Functional Plan 2503-97 (U). Norfolk: USCINACOM, 30 November 1997.

U.S. Department of Defense. DoD Directive 5525.5, Restrictions on Participation of DoD Personnel in Civilian Law Enforcement Activities. Washington, D.C.: Department of Defense, 15 Jan 1986.

U.S. Department of Defense. Military Support Policy to Civil Authorities. DoD Manual for MSCA. Washington, D.C.: U.S. Department of Defense, 25 July 2000.

U.S. Department of Defense. The Joint Staff Officer's Guide 1997. Armed Forces Staff College Pub 1. Norfolk: Armed Forces Staff College, 1997.

U.S. Department of Justice. "Fact Sheet: Early History of the Border Patrol." November 1999. Available from < <http://www.ins.usdoj.gov.html> >. Internet. Accessed 23 Dec 2000.

- U.S. Department of Justice. "The National Border Patrol Strategy." May 19, 1999. Available from < <http://www.ins.usdoj.gov/graphics/lawenfor/bpatrol/strategy.html>.> Internet. Accessed 23 Dec 2000.
- U.S. General Accounting Office. Border Control: Revised Strategy is Showing Some Positive Results. Washington, D.C.: U.S. General Accounting Office, December 1994.
- U.S. General Accounting Office. U.S.-Mexico Border: Issues and Challenges Confronting The United States and Mexico. Washington, D.C.: U.S. General Accounting Office, July 1999.
- U.S. General Accounting Office. Illegal Aliens: Significant Obstacles to Reducing Unauthorized Alien Employment Exist. Washington, D.C.: U.S. General Accounting Office, April 1999.
- U.S. General Accounting Office. Illegal Aliens: Significant Obstacles to Reducing Unauthorized Alien Employment Exist. Washington, D.C.: U.S. General Accounting Office, July 1999.
- U.S. General Accounting Office. Illegal Immigration: Status of Southwest Border Strategy. Washington, D.C.: U.S. General Accounting Office, May 1999.
- U.S. General Accounting Office. Illegal Immigration: Southwest Border Strategy Results Inconclusive; More Evaluation Needed. Washington, D.C.: U.S. General Accounting Office, December 1997.
- U.S. General Accounting Office. Border Patrol: Staffing and Enforcement Activities. Washington, D.C.: U.S. General Accounting Office, March 1996.
- U.S. General Accounting Office. North American Free Trade Agreement: Impact and Implementation. Washington, D.C.: U.S. General Accounting Office, September 1997.
- U.S. General Accounting Office. Mexico's Financial Crisis: Origins, Awareness, Assistance, and Initial Efforts to Recover. Washington, D.C.: U.S. General Accounting Office, February 1996.
- U.S. General Accounting Office. Illegal Aliens: Assessing Estimates of Financial Burden on California. Washington, D.C.: U.S. General Accounting Office, November 1994.
- Weintraub, Sidney, and Stanley R. Ross. The Illegal Alien from Mexico, Policy Choices For An Intractable Issue. Austin: University of Texas Press, 1980.
- \_\_\_\_\_. "Worth Dying For." The Economist Newspaper LTD., 5 Aug 2000, U.S. Edition, sec: Illegal Immigration, (685 words). Database on-line. Available from Lexis-Nexis, Reed Elsevier.